



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
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April 8, 2021
Ref: 8ENF-AT

SENT VIA CERTIFIED MAIL
E-MAIL VERIFICATION REQUESTED

Dale Hill, President
Cheyenne Diesel Repair, LLC
6439 Emily Drive
Cheyenne, WY 82009
cheyennediesel@gmail.com

Re: Supplemental Request for Information Pursuant to Clean Air Act Section 208

Dear Mr. Hill:

With this Request for Information, you are required to provide the U.S. Environmental Protection Agency with additional information relating to Cheyenne Diesel's business. The EPA is seeking information to determine whether Cheyenne Diesel is in compliance with the requirements of sections 203(a) and 213(d) of the Clean Air Act (CAA), 42 U.S.C. §§ 7522(a) and 7547(d), and the applicable motor vehicle regulations promulgated under Title II of the CAA. This is a subsequent Request for Information to the one sent previously on November 9, 2020 to obtain additional information as outlined in Enclosure C.

The EPA issues this Request for Information under section 208(a) of the CAA, 42 U.S.C. 7542(a). Under Section 208(a), the EPA may require any person who is subject to Title II of the CAA to provide information necessary to determine whether the person is in compliance with these requirements and the regulations promulgated thereunder.

You must submit your response as set out in the attached enclosures: Instructions (Enclosure A), Definitions (Enclosure B), Request for Information (Enclosure C), Claiming Confidentiality (Enclosure D), and Statement of Certification (Enclosure E).

Your response is required to be submitted within **30** calendar days from the date you receive this letter. If you are unable to fully respond to this Request for Information within 30 days, you must contact Steven Hine at Hine.Steven@epa.gov to request an extension. Any request for extension should be made in writing as soon as possible, must explain why an extension is necessary, and must include a proposed timeline for completing the requested information. The EPA will review your request and may grant request in writing if the EPA determines that you have demonstrated good cause for needing an extension.

Failure to provide the requested information is a violation of the CAA and may result in an enforcement action. There are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to section 113(c)(2) of the CAA, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001, 1341 and 1505.

You are entitled to assert a business confidentiality claim covering all or part of the information you submit in response to this Request for Information in accordance with the procedures described in the Confidentiality of Business Information (CBI) regulations, 40 C.F.R. Part 2, Subpart B. However, no CBI claim may be made with respect to emissions data as defined at 40 C.F.R. § 2.301(a)(2). You must specify the page, paragraph, and sentence when identifying the information subject to your CBI claim. See Enclosure D for CBI claim requirements. The EPA may, without further notice, provide the public with any information not subject to a CBI claim.

Please provide all requested information, via electronic delivery, to Steven Hine at Hine.Steven@epa.gov.

The response to this Request for Information must be accompanied by Enclosure E: Statement of Certification, which certifies that the response submitted to the EPA is complete and contains all responsive documents and information that are known to you, following a complete and thorough review of all available information and sources. Please print, sign, scan, and return this form electronically with the rest of the information requested.

The EPA acknowledges that the COVID-19 pandemic may be impacting your business. If that is the case, we will consider your specific circumstances in determining an appropriate timeline for responding to this Request for Information, while still ensuring that the Agency receives the information it needs to timely confirm your company's compliance with the CAA.

If you have any questions regarding this Request for Information, please contact Steven Hine at (303) 312-6624 or Hine.Steven@epa.gov.

Sincerely,

Suzanne J. Bohan, Director
Enforcement and Compliance Assurance Division

Enclosures: Enclosure A: Instructions
Enclosure B: Definitions
Enclosure C: Request for Information
Enclosure D: Confidential Business Information
Enclosure E: Statement of Certification

ENCLOSURE A

Instructions

1. Provide a complete, detailed response, in English, to each Request for Information in Enclosure C.
2. Provide a separate response to each question and subpart of a question.
3. Provide your response to all questions of this Request for Information in electronic form. All responsive documents and materials (e.g., copies of print media, audio, and visual material) must be provided as an accurate and legible copy in searchable format, number stamped in sequential order (e.g., BATES stamped).
4. Identify each person whom you relied on or consulted with in preparing your responses to each . question. Provide their name, title, job duties and duration of employment with the company. If they are not an employee of the company, identify their employer and provide their name, title, job duties and duration of employment with their employer.
5. Where a Request for Information requires or allows documents to be provided in response, provide all documents electronically in a file folder specific to that question or subpart and labeled accordingly.
6. When a response is provided in the form of a number, specify the units of measure.
7. Where documents or information necessary for a response are not in your possession, custody, or control, indicate in your response why these documents or information are not available or in your possession, custody, or control, and identify any source that either possesses or is likely to possess this information.
8. You must promptly supplement your response to any Request in Enclosure C if you gain possession, custody, or control of responsive information after responding to this Request for Information.

ENCLOSURE B

Definitions

All terms used in this Request for Information will have their ordinary meaning unless the terms are defined below, in the CAA, 42 U.S.C. §§ 7401 *et seq.*, or in the Motor Vehicle and Non-Road regulations, including those definitions at 40 C.F.R. parts 85, 86, 89, 90, 1036, 1037, 1039, 1048, 1051, and 1068, in which case they shall have their meanings as defined therein.

1. The term “catalysts” refers to systems, such as catalytic converters or diesel oxidation catalysts (DOCs), that contain parts or chemical elements which increase the rate of a chemical reaction but are not one of the original reactants or final products, *i.e.*, are not consumed or altered in the reaction. Catalysts consist of a flow-through structure that is coated with an active metal catalyst and surrounded by a stainless-steel housing.
2. The term “diesel particulate filter” or “DPF” refers to an exhaust after-treatment emission control component that physically traps particulate matter (PM) and removes it from the exhaust stream, typically using a porous ceramic or cordierite substrate or metallic filter.
3. The term “emission related parts” means those parts installed for the specific purpose of controlling emissions, or those components, systems, or elements of design which must function properly to assure continued vehicle emission compliance, as defined in 40 C.F.R. § 85.2102.

Examples of emission related parts include, but are not limited to, the diesel oxidation catalyst (DOC), the diesel particulate filter (DPF), the selective catalytic reduction (SCR) system, the NO_x adsorber catalyst (NAC) system, the exhaust gas recirculation (EGR) system, the on-board diagnostic (OBD) system, the ECM, and stock air/fuel related calibrations.

4. The term “exhaust product” means exhaust components designed for use downstream from the exhaust port of a motor vehicle engine, and includes, but is not limited to, EGR block plates, EGR delete kits, exhaust replacement pipes, and straight pipes.
5. The term “person” includes an individual, corporation, partnership, or association. *See* Section 302(e) of the CAA, 42 U.S.C. § 7602(e).
6. The term “product” includes any software code, software, hardware, program, element of design, calibration, engine tune, engine tuner, device, part, or component.
7. The term “selective catalytic reduction” or “SCR” refers to an emission control component that includes systems (the diesel exhaust fluid (DEF) tank, urea quality sensor, DEF injection system, SCR catalyst(s), and other associated sensors), which inject a reductant, such as DEF, into the exhaust stream where it reacts with catalysts to convert NO_x emissions to nitrogen gas (N₂) and water (H₂O).

ENCLOSURE C

Request for Information

Cheyenne Diesel Repair, LLC (“Cheyenne Diesel” or “you”) must submit the following information to the EPA pursuant to section 208 of the CAA, 42 U.S.C. § 7542:

1. Identify whether the emission related parts (DPFs, DOCs and SCRs) referenced in Invoice #3547 dated 1/27/2020 and Invoice #3559 dated 2/5/2020 were removed, replaced, or installed per the work order. The invoices submitted are not clear as to the work performed, and the EPA requests clarification.
2. For any parts that were replaced or installed as referenced in Invoice #3547 dated 1/27/2020 and Invoice #3559 dated 2/5/2020, submit all purchase orders and receipts from the vendor you purchased these parts/products from.
3. Include all contact information for the third-party vendor for purchase verification.

ENCLOSURE D

Confidential Business Information

An entity may assert a business confidentiality claim covering all or part of the information provided in response to this Request for Information for any business information entitled to confidential treatment under Section 208(c) of the CAA, 42 U.S.C. § 7542, and 40 C.F.R. Part 2, subpart B. Under Section 208(c) of the CAA, entities are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, subpart B, business confidentiality means “the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information.” 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 208(c) of the CAA and 40 C.F.R. Part 2, subpart B. If no business confidentiality claim accompanies the response to this Request for Information when it is received by the EPA, then this information may be made available to the public without further notice. *See* 40 C.F.R. § 2.204(a)(3).

Pursuant to 40 C.F.R. § 2.301(h), the EPA possesses the authority to disclose to any authorized representative of the United States information which might otherwise be entitled to confidential treatment. To assist in its review and analysis, the EPA may disclose information provided in response to this and other information requests to an EPA contractor, the Eastern Research Group, under contract number EP-W-15-006.

To assert a business confidentiality claim, an entity must place on (or attach to) all information subject to the claim either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret,” “proprietary,” or “company confidential” at the time it provides its response to this Request for Information. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified and may be provided separately to facilitate identification and handling by the EPA. An entity should indicate whether confidential treatment is only required until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material claimed as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208(a)-(d) and 2.301. Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B. *See* 42 U.S.C. § 7542(c); 40 C.F.R. § 2.301(e).

ENCLOSURE E

STATEMENT OF CERTIFICATION

I certify that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my personal inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 1 of the CAA, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. 1001, 1341 and 1505.

Please print this page, Enclosure E, sign your name in wet ink, scan, and return electronically with the rest of the requested information.

(Signature)

(Printed Name)

(Title)

(Date)